

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 237 OF 2006**

The State of Maharashtra

....Appellant

Versus

Yashwant R. Pelmahale

...Respondents

Smt. P.H. Kantharia , Additional Public Prosecutor, for the applicant-State.

**CORAM:** **V.G. PALSHIKAR, Ag. C.J., &**  
**SMT. NISHITA MHATRE, J.**

**DATE:** **AUGUST 16, 2006.**

**P.C.**

This appeal is filed for enhancement of sentence passed in Criminal Case No. 60 of 2002 by the Judicial Magistrate, First Class, Dindori, Dist. Nashik. The sentence is only of fine. Taking into consideration the fact that it was a dispute between two neighbouring farmers because of certain laying of pipeline and its leakage thereof. Therefore, the learned Judge has used his discretion and awarded the sentence only of fine. In our opinion, the sentence as awarded in the circumstances cannot be said to be disproportionately less. Hence, appeal for enhancement of sentence is rejected.